Negro Jurors Set Precedent

First In Talladega Since Reconstruction

TALLADEGA, Ala., Feb. 10 (AP) —Two Negroes are serving on a Talladega County grand jury for the first time since reconstruction days following the Civil War.

Circuit Judge Harry Teel swore in the two, Dove Jenkins, Talladega farmer, and Hillard Childs, marble quarry worker, with the other members of the panel. He told them he was certain their service would be "a credit to your race."

Discussing the action with the jury, the judge said the county's jury box now has been brought into "full conformity" with U. S. Supreme Court decisions against racial discrimination in jury service.

He said Negroes also will be called for petit juries and added that he hoped they would not be stricken because of their race.

"Unless the jury system is operated in such a way as to avoid discrimination, the courts will have their hands tied when it comes to trying persons of the race discriminated against," Judge Teel said.

The court said jury rooms will be equipped with separate toilet facilities for Negro jurors.

Teel told the jurymen he believed the selection of Negroes on juries would help reduce the number of felonious assaults by Negroes on other Negrose through imposition of heavier sentences than those returned by all-white juries.

He added that the serving of Negroes on petit juries might affect a campaign for jury service for women in Alabama because "men of both races always resent ningling of women of their race with men of another."

TWO ON GRAND JURY

TALLADEGA, Ala. — For the first time since Reconstruction Days, Negroes were sworn in here last week as members of Talladega County grand jury.

They were Dove Jenkins, Talladega farmer, and Hillard Childs, quarry marble worker.

Talladega County Grand Jury has Negro members

TALLADEGA, Feb. 9—(AP)—For the first time since reconstruction days two Negroes were sworn in today as members of a Talladega County Grand Jury.

The two are Dove Jenkins, Talladega farmer, and Hillard Childs, Gauntt's Quarry marble worker.

Circuit Judge Harry Teel told the Grand Jury that the Negroes were serving because Talladega County's jury box now has been brought into "full conformity" with U. S. Supreme Court decisions against racial discrimination in jury service.

A RECENT ATTEMPT to raise the question of exclusion of Negroes from jury service failed only because of inadequacy of the papers, he said.

"Unless the jury system is operated in such a way as to avoid discrimination, the courts will have their hands tied when it comes to trying persons of the race discriminated against," he said.

Judge Teel said Negroes will be called on petit jury panels and expressed the hope they will not be stricken because of race.

Judge Teel told the Negro jurors he was certain their service would be "a credit to your race."

Negro on Jury In Gadsden, Ala.

GADSDEN, Ala. History was made here May 6 when Quinton D. Adams, businessman, served on a trial jury in Etowah County. It was the first time since Reconstruction Days that this had happened.

Dallas Jury Officials Deny Negroes Eliminated From Duty

SELMA, Ala., Oct. 1 (AP)—Two Dallas County jury commissioners today estimated 100 or less Negroes have been qualified for jury duty in the county, but said Negroes were not passed over because of their race.

They were questioned at a lengthy hearing on motions made by attorneys for William Earl Fikes, convicted Negro rapist now facing trial on a nighttime burglary indictment. This is a capital offense in Alabama.

Two attorneys for the National Association for Advancement of Colored People asked Circuit Judge W. E. Callen to quash (annul) the indictment. They alleged that Negroes are systematically excluded from jury duty.

Wallace Hill and C. C. Thomas were members of the jury commission who testified before the hearing was recessed until tomorrow. Kenneth Harper, third member, was summoned, but did not testify.

Hill said about 1,200 persons are on the county jury rolls, of whom 100 or less are Negroes. Thomas extimated the number of Negroes at about 50.

Thomas, a Selma druggist, said the number of Negroes found qualified to serve on juries was smaller than that of white persons. He said Negroes weren't intentionally excluded because of race or color, but simply because of a desire to have the best men for jury duty.

Hill said jurors were selected by questioning people about qualifications of prospective jurors. He said the commission wanted people to serve who could make wise decisions and who had good standing in their communities.

Defense Attorney Peter A. Hill, Birmingham, asked why Dr. D. V. Jemison, Selma Negro Baptist leader, had not been called for jury duty.

Hill replied it was long standing commission policy to exclude doctors, dentists, teachers, conductors and other people of both white and Negro races who could claim exemption from service.

Solicitor James Hare asked Hill if it was the commission's policy to consider the infirmities of possible jurors in deciding whether to call them for service. Hill said some had been excluded for deafness.

Fikes was convicted of raping the young wife of a Craig Air Force Base soldier, and sentenced to 99 years in prison last spring.

He was indicted for nighttime burglary on a charge that he entered a home occupied by Mrs. Al Rockwell, daughter of Mayor Chris Heinz of Selma.

Police said he admitted a series of nighttime raids which terrorized Selma housewives early this year. He is a former Marion, Ala., filling station attendant.

Judge Callen denied a motion for a sanity examination in a hospital.

White Jury Drawn From Dallas Venire Including 7 Negroes

SELMA Ala. (AP) — A new all-white grand jury was drawn here today from a venire of 80 which included seven Negroes.

Judge L. S. Moore presided as the 18 names were drawn from a covered hat.

Cases before the jury for investigation include one involving William Earl Fikes, 27-year-old Negro, who attacked a previous indictment against him on the grounds that irregularities existed in the Dallas County jury box. Fikes was indicted by the previous jury on an attempted rape charge.

Judge Moore told the jury to investigate reports of open gambling in Dallas County, reported last week in The Birmingham News.

He instructed the jury to determine whether "open gambling does exist" and if necessary to visit the places named in the newspaper account and all in the Birmingham reporter to "get what facts he has to offer."

Dallas Juries Have Negroes, Official Says

SELMA, Ala., Dec. 3 (AP) — A Dallas County jury commissioner today testified he never "systematically or arbitrarily" excluded Negroes from jury rolls here.

Wallace Hill said further he had "never conspired or designed to arbitrarily bar Negroes from jury duty."

The testimony was given at a hearing before Circuit Judge W. E. Callen on motions by attorneys for William Earl Fikes, under indictment for first degree burglary in connection with a series of nighttime raids early this year. The hearing started Monday.

Fikes was convicted last Summer of criminally assaulting a young matron and was sentenced to 99 years in prison.

The present hearing is on motions by attorneys for the National Association for the Advancement of Colored People to have the burglary indictment dropped on grounds Negroes were systematically excluded from jury duty here.

A previous indictment was thrown out by Judge Callen, who upheld defense charges of irregularities in the drawing of jury lists. The court also ordered that new jury rolls be drawn.

Hill estimated on the stand today that the new jury rolls includes the names of at least 250 or more Negroes.

A similar estimate was given in testimony by another jury commissioner, Kenneth Harper. The other commissioner, C. C. Thomas, said he believed names of between 275 and 300 Negroes were included in the new jury list.

Fikes' trial on the burglary charge is scheduled to begin Monday.

Six Selma attorneys testified previously that Negroes drawn for jury duty here stricken from the list "in the interest of clients, even if the client is a Negro."

Negroes Not Barred From Jury Duty, Court Told

SELMA, Dec. 3 (AP)—A Dallas County jury commissioner today testified he never systematically or arbitrarily excluded Negroes from jury rolls here.

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ARKANSAS

Negro Selected to Pulaski Grand Jury

A Negro and a woman were selected for jury duty with others on the September Pulaski county grand jury, it was annouced Tuesday They are believed to be the first of their kind named to the [illegible] body by a jury commission in Pulaski circuit court.

The Negro is Rev. Fred T. Guy, pastor of Mt. Zion Baptist church.

James Warren has been selected as an alternate on the present grand jury.

SETS PACE — Dr. Cliffie Bond of Madison, Ark., is the first Negro woman in St. Francis County to serve on jury. She served in September and was re-called in November to the First Judicial Circuit Court, which tried civil and criminal cases under Judge Elmo Taylor.

Atlanta Business Fined For Trying To Stop Negroes From Reporting to Jury

ATLANTA, Ga. — (ANP) — An Atlanta businessman received a $1,000 fine and a warning that intimidation of jurors would not be tolerated in federal court here last week, when it was reported that he tried to prevent a Negro emplye from reporting for jury duty.

Federal District Judge Frank Hooper gave Albert Selig, president of Selig company, manufacturers of industrial chemicals, the fine and a five-year suspended sentence for contempt of court after the court's attention had been called to evidence indicating that Selig had intimidated Eugene A. Chambless, a packer who has worked for the Selig company 37 years.

Judge Hooper and members of his office staff said at a court hearing that Selig had been extremely insistent on the phone that Chambless be excused from jury duty. Chambless said that his employer had become angry when shown the summons for jury service and said, "Let me have that; I'll take care of it."

When he protested, he said, Selig said he was "concerned with anything that takes you away from this job."

In his defense Selig said he had no intention of wrong-doing. He declared he was concerned because Chambless had heart trouble and also because he was badly needed on the job.

Judge Hooper said he was convinced that Selig "had done something or said something to frighten Chambless very much." He added that it was necessary for "all classes and groups" to serve on juries and that many businesses make real sacrifices when employees are called.

Negro Juror Yellow Slips To Remain

Georgia's Law And Ruling Clash

Names of more than 1,000 Negroes in Fulton County's jury boxes will remain on yellow cards until September and perhaps for more than a year despite a U. S. Supreme Court decision declaring use of colored slips for Negroes "prima facie evidence of discrimination."

Judges of Superior Court are studying the decision, handed down May 25 in the case of James Avery, a Negro convicted here of rape two years ago.

But it may be that their hands are legally tied so far as ordering that the names of all jurors be put on white cards.

LAW IS SPECIFIC

Georgia's law dealing with revision of jury lists is specific. It says the lists shall be revied by the jury commission every two years or at the judges' order, every three years.

The list was last revised in August, 1952, and some judges say the law probably means the lists cannot be revised at any other than the specified time, which would be in August, 1954.

One judge, who figured the cost of revision at $10,000, said even substitution of white cards for the Negroes might be construed as revision of the lists.

Also, the opinion has been expressed that it might lead to greater judicial confusion if the judges took it upon themselves to order immediate compliance with the Supreme Court decision.

CHALLENGES SEEN

The reason is that if the revision were made now, there would be many challenges of its legality in cases involving only white parties.

And as it stands now there are "few" lawyers who will raise objection to the Jim Crow jury box, even when their clients are Negroes.

But no matter the decision of the judges, one said "it looks like a safe bet" no action will be taken before the Septe[illegible] court term.

Revised Jury List Expected To List Negro on White Cards

Fulton County's jury lists will be revised beginning in August and presumably the names of Negro jurors will be put on white cards instead of the traditional yellow.

The seven judges of Superior Court ordered the revision which had not been scheduled until August, 1954.

And Presiding Judge E. E. Andrews said he will read to the jury commissioners a U. S. Supreme Court decision outlawing the use of different colored cards for Negroes.

Although Judge Andrews would not confirm it, there appeared no other pressing reason for revision other than substitution of white cards for Negro jurors. The list was revised in 1951 under a previous judges' order calling for revision every three years.

The law says, however, that it is within the judges' discretion whether revision shall be every three years or every two. And they have elected now to make it every two years.

The opinion had been expressed that there was no legal authority for anyone to substitute white cards for Negroes without complete revision of the jury lists. Apparently it was that opinion which guided the judges' decision.

The use of yellow slips for Negro jurors was declared unconstitutional by the Supreme Court in the case of James Avery, tried here in 1951 for rape.

Called For Jury Duty

Milton L. Downer of 177 Griffin Street, N. W., has been impaneled for jury duty in the criminal court of Fulton County beginning Monday, October 19th. Mr. Downer is a member of Royal Arch Lodge No. 5[illegible] of F. and A. A. York Masons and Mount Vernon Baptist Church.

'Jim Crow' Jury Box To Get Ax

New List Due In 6 Months

By DERICK DANIELS

Fulton County's "Jim Crow" jury box — with 33,000 names listed by races on white and yellow slips — appeared headed for the waste basket Monday.

But it may take six months for it to get there.

In a stifling-hot courtroom, six jury commissioners listened to 30 minutes of instructions from Superior Judge E. E. Andrews, then rolled up their sleeves to go to work on a new jury list.

LOT OF PAPER WORK

They'll be working with as many as 12 special deputy clerks authorized to do the piles of paper work involved in going over the two-year-old list.

J. W. Simmons, superior court clerk, said time needed to complete a new box depends on how fast tax books, from which the names are selected, become available. There are only two letters of the alphabet ready now, Simmons said.

It took eight months for the last revision in 1951 when only six clerks were employed to help the jury commission.

Judge Andrews laid before the commission the U. S. Supreme Court's decision in the celebrated James Avery rape case which held it is "prima facie evidence of discrimination" to list Negro jruors on different-colored slips.

JUDGE'S STATEMENT

Judge Andrews said:

"I am not going to tell you how to draw the jury. I am just going to call to your attention the law (from the Avery case). This state is bound by it, and I have no doubt the Supreme Court would reverse the conviction of any record of the applications for ex-Negro as long as yellow slips re- cuses, and that they averaged one every 15 minutes, eight hours a day, six days a week. "They main in the box."

As he has done in the past, Judge Andrews assailed the many citizens who are drawn for jury duty and then want to be excused from "this greatest peacetime service to their country."

The judge said he once kept a high-type men who might have better service records.

NEGRO JUROR SERVING ON MURDER TRIAL HERE

World
Atlanta, Ga.
4/

BY GEORGE COLEMAN

For the second time in two days a Negro juror is serving on a murder trial in Fulton Superior Court, and the case pending now is the third time a 20 year old girl has been tried for controversial slaying which was ruled justified homicide once, and brought a life conviction in another instance.

Wed. 12-16-53

THIRD TIME

Miss Bessie Mae Golden, 20, of 21 Daniel Street, S. E., went on trial for her life for the third time in two years, in the court of Judge Virlyn B. Moore. It was the second time Judge Moore had heard the case.

She was arraigned in connection with the fatal shooting of J. W. Cobb, 21, of 67 1-2 Randolph St., N. W. Cobb was shot December 28, 1951 and died in Grady Hospital January 7.

Miss Golden was arrested the night of the shooting, but a Fulton Grand Jury returned a No Bill January 18, which police said was a ruling of justifiable homicide.

MISTRIAL DECLARED

..However, Miss Golden was later brought back before a second Grand Jury which indicted her and charged her with murder. She was tried April 10, 1952, in the court of Judge Jesse Wood, but an all-white jury was unable to reach a verdict, and a mistrial was declared. She was then tried April 14, 1953, and found guilty of murder with a recommendation for mercy, which made a life imprisonment sentence mandatory.

The sentence was then appealed, and a new trial granted by the court.

The prosecution has been aided throughout the three trials by Reuben A. Garland, celebrated defense attorney, and prosecuted by William Gower. Assistant Solicitor Jepp Tanksley is conducting the prosecution.

In all trials, both defense and state witnesses have agreed in testimony that Miss Golden fired the fatal shot, but controversy has ruled over motive and justification.

The defense contends that Miss Golden fired in self defense after Cobb attempted to assault her. But the state contends that Cobb asked, before he died to have her brought before him to explain why she shot him. Other witnesses testified they had been close friends for several months.

1st Negroes Serve On Grand Jury At Lafayette

Lafayette, La.—On the heels of the announcement last week that St. Mary parish grand jury now has its first Negro member, this city also has its first.

Frederick Mouton, a school teacher, and O. McCoy Gibbs, a druggist, are presently serving on the grand jury. They are believed to be the first since Reconstruction days.

First Negro On Grand Jury In Monroe, La.

MONROE—For the first time since the reconstruction period in the South last week, a Negro, Moses Boatner of Ward 10, was named to the Ouachita parish grand jury which will investigate thirty-three cases involving murder, theft, forgery and other crimes. Judge M. Baber of Ward 10 was foreman when the jury met for its spring session.

Negro Serves On Grand Jury

JENNINGS—History was made here recently when Michael O. Mouton and W. C. Chaney of Ward Six were selected for grand jury service in the thirty-first judicial court.

This marked the first time in the history of Jefferson Davis Parish that Negroes have been selected on the grand jury.

Also in Jennings, one Negro is a member of the police department, and in the very near future two will be named deputies. These gains, citizens report, are attributable to the increase of colored registered voters.

First Negro On New Orleans Fed. Grand Jury

BY JAMES B. LaFOURCHE

NEW ORLEANS — (ANP) — History will be made here next week when Samuel McNeal reports to Oakley P. Dodd, clerk of the U. S. District court for the Eastern District of Louisiana, to serve as a member of the federal grand jury.

Long have Negroes served on federal petit juries, but no one within the memory of the present-day generation can recall a Negro serving on a federal grand jury. During the hey day of the Republican party in Louisiana, the late Henry E. Braden, Sr., and several others rendered federal grand jury service, but none since the Democratic stretch of 20 years.

McNeal is a retired federal employee who worked as a clerical assistant for the U. S. Circuit Court of Appeals almost 37 years. He is affiliated with the Republican party, and has been since 1908.

During the Eisenhower campaign, McNeal took an active part in trying to help capture Louisiana for the GOP. He is one of the strong men in the camp of Republican National Committeeman John Minor Wisdom, and was instrumental in organizing and naming a new Republican club here.

If it were possible for a Negro to get a top position from the GOP here, McNeal would probably be the man since, by virtue of his long acquaintance with every white, many of note in business and political affairs here, none would resent his appointment. Neither would he be personally obnoxious to either Sens. Long and Ellender.

Negro On Jury In Louisiana Parish

OAK GROVE, La.—(ANP)—William M. Jackson, first member of his race to serve as a member of a grand jury in West Carroll since Reconstruction Days, was one of 12 talismen to bringing in within an hour a murder indictment against Thomas Johnson, 41, charged with the slaying of a white plantation foreman near Epps.

The original indictment brought in by an all-white grand jury was quashed on the grounds "that officials of West Carroll parish have systematically, unlawfully and unconstitutionally excluded Negroes from grand jury service."

The special grand jury ordered by the court was selected from among 20 persons, of whom five were Negroes. Jackson is a farmer and resides in Ward Five of the parish.

The victim, Henry Lewis, 57, and Johnson had an argument Sept. 29, relative to the latter's physical condition to work. The case is scheduled for trial Nov. 19.

First In State Of Oklahoma

Mrs. Mita Cosey, housewife, of Ardmore, Okla., and a member of the Carter county grand jury which adjourned March 25, was the first woman of her race to serve on such a body, according to Lewis A. Wallace, assistant county attorney general.

She lives at 920 6th Avenue, Northwest, and is the wife of W. B. Cosey and the mother of four children, Coletta, Doris, Jessye Lee and Monroe, the latter being a Korean veteran.

She has served as Sunday school superintendent for over 15 years at the Sunrise Baptist Church, of which her father, Rev. Monroe McKissic, was the founder.

She also has been instructor in the Chickasaw district for approximately ten years.

Other members of the grand jury praised the work of Mrs. Cosey as a member of the group.

Foreman—Mrs. Alyce O. Woodruff, 7012 Idlewild Street, Pittsburgh, Pa., is foreman of a Criminal Court jury which is currently hearing the vice case involving public officials of the borough of McKees Rocks, Pa. Mrs. Woodruff is the wife of Robert J. Woodruff, a supervisor in the Pittsburgh Public Schools Division of Guidance and Child Accounting.

MEMPHIS HAS FIRST NEGRO ON CRIMINAL COURT JURY

MEMPHIS, Tenn., Nov. 16 — (Special)—Thomas H. Hayes, Jr., Vice President of Union Protective Assurance Co. and Co-owner of T. H. Hayes and Sons Funeral Home, became the first Negro to sit on a Criminal Court Jury here Friday.

Hayes and a white woman, Mrs. Harry M. Bynum, 43 of 536 N. Highland sat on a Criminal Court Jury for the first time in the state and voted with 10 other jurors to send a 22-year-old Negro to the workhouse for 90 days on a larceny charge.

Luke Jones of Bainestown Road was tried in Judge Sam Campbell's court Friday, Asst. Gen. George LaManna contended Jones took $10 from Frank Silas, 25, of 2406 Shasta on the promise to get Silas a drivers license.

Silas testified Jones took the money, disappeared and didn't keep his promise. He said he could not pass the test for a license and paid Jones to get him one. He testified he saw Jones on Beale Street several days later and summoned police, who arrested him.

Jones denied the charge. He said one or two other men who were with him at the time got the $10 from Silas.

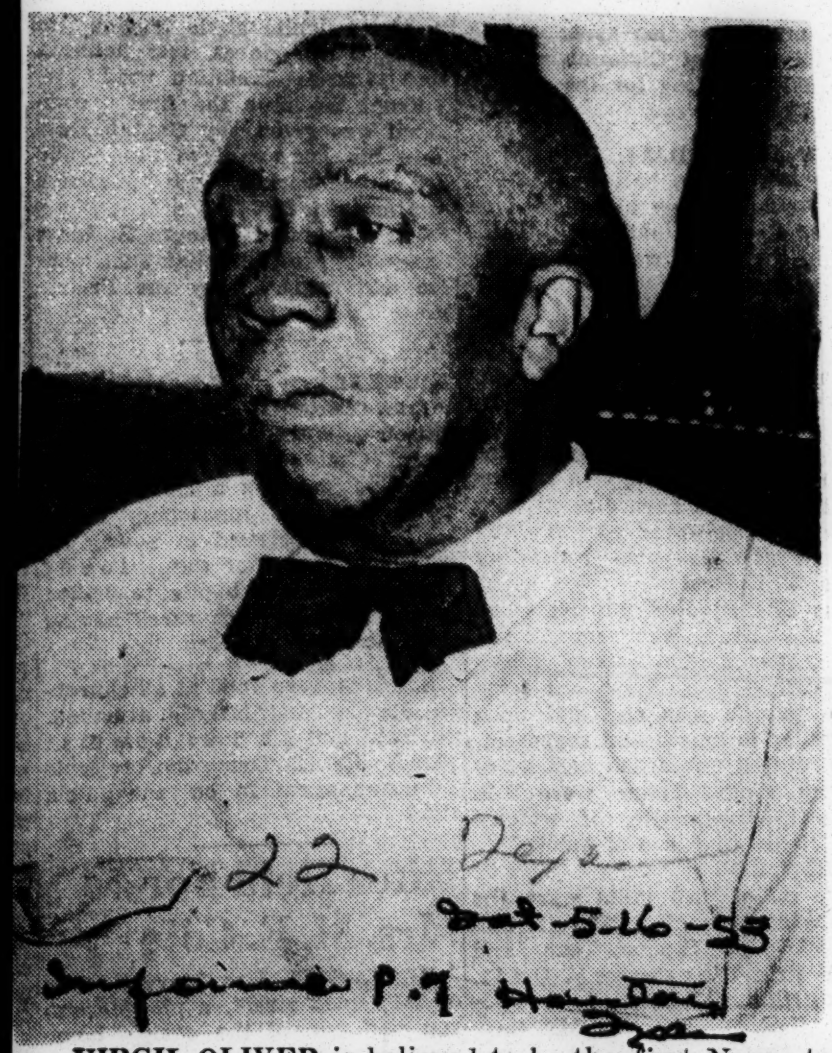
The jury was virtually in agreement from the beginning. They got the case at 4:10 P. M. and returned with the verdict 20 minutes later.

Negro on Jury In Texas Slaying

AUSTIN, Tex., May 9 (UP).—A Negro serve dtoday on a jury trying another Negro for the murder of a white man for the first time in Texas, legal authorities believed.

Virgil Oliver, sixty-two, a department store porter, was selected as the seventh juror for the trial of Morris Addison, twenty-five, of Houston, Tex., who is charged with the fatal stabbing Jan. 30 of Thomas Hogan, a used car lot attendant.

Both District Attorney Bob Long and Henry Doyle, Negro attorney who is Addison's defense counsel, said it was the first time to their knowledge a Negro has been accepted for jury service in the trial of another Negro involving the death of a white man.



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Supreme P.7 Houston

VIRGIL OLIVER is believed to be the first Negro to serve on the jury during the trial of another Negro for a capital offense in the entire south. Mr. Oliver is a member of Ebenezer Baptist church and is a worker in one of the downtown stores. Also for the first time in the history of Travis County a battery of Negro lawyers will represent another Negro. They are Chief Counsel Henry Doyle, Attorneys Virgil Lott, Francis Williams, and Kenneth Lamkin. All of these attorneys are natives of Austin.